UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:22-CV-00554-FDW

DARLENE MICHELLE HELMS,)
Plaintiff,)
v.) ORDER
KILOLO KIJAKAZI, Acting Commissioner of Social Security,)
Defendant.)

THIS MATTER is before the Court on Plaintiff Darlene Helms's Consent Motion for Fees Pursuant to the Equal Access to Justice Act, filed on June 6, 2023. (Doc. No. 17). Plaintiff seeks an award of attorney's fees, expenses, and costs pursuant to the Equal Access to Justice Act, ("**EAJA**"), and Defendant has consented to Plaintiff's Motion.

IT IS THEREFORE ORDERED that for the reasons discussed therein, Plaintiff's Consent Motion for Fees, (Doc. No. 17), is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff, Darlene Helms, is awarded attorney fees in the amount of Six Thousand Eight Hundred Dollars and 00/100 Cents (\$6,800.00). Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining

after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Darlene Helms, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order, the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

IT IS SO ORDERED.

Signed: June 6, 2023

Frank D. Whitney

United States District Judge